

---

**From:** Carvalho, Gabriela  
**To:** Allison Castellan - NOAA Federal  
**Sent:** 8/13/2014 6:02:16 PM  
**Subject:** RE: Pls. review: Pesticides draft rationale for OR CZARA

This draft is quite an improvement. Nice work.

Gabriela Carvalho  
Pesticides and Toxics Unit  
U.S. EPA, Region 10  
1200 Sixth Avenue, Suite 900, OCE-084  
Seattle, WA 98101  
phone (206) 553-6698  
Carvalho.Gabriela@epa.gov

**From:** Allison Castellan - NOAA Federal [mailto:allison.castellan@noaa.gov]  
**Sent:** Wednesday, August 13, 2014 1:54 PM  
**To:** Carvalho, Gabriela  
**Cc:** Wu, Jennifer; Henning, Alan; Peterson, Erik; Helder, Dirk; Woodruff, Leigh; Liu, Linda; Carlin, Jayne; Waye, Don; Fleming, Sheila; Allen, Elizabeth  
**Subject:** Re: Pls. review: Pesticides draft rationale for OR CZARA

Hi Jenny--

Thanks again for putting together this rationale. Pesticides is a very tricky issue and I think you did a good job getting all of the main points across. Like I mentioned earlier, I agree with Gabriela that we may want to consider reorganizing some of these pieces so that the rationale would be Ex. 5 - Deliberative and very clear about the points we want to make. For example:

1. moving the science discussion of why we think an add MM is needed up to the front;
2. making sure the scientific findings we cite have an explicit connection to the points we want to support in our rationale (i.e., that aerial spraying of herbicides around non-fish streams is bad and causes water quality and designated use impacts); and
3. making sure we're very clear on why we do not believe Oregon has met this element and what they need to do to be approved.

Also, like Jayne and Gabriel mentioned, I do not think the rationale is the place to summarize public comment. We have the Response to Comment document to do that and there is no need for us to repeat ourselves twice. In my mind, the rationale should just focus on why we arrived at the decision we did.

I've added some comments to the version Jayne commented on to provide some additional insight into my thinking (see Pesticides 8.11.14 JC Cmts\_ac). I've also taken a stab at reorganizing the info to illustrate how it could be reordered (see Pesticides Rationale 8.11.14\_ac reorged). However, you'll see that I left holes for the science discussion since I didn't feel like I was familiar enough with those studies to insert.

Let me know if you have any questions. Happy to discuss.

Allison

On Wed, Aug 13, 2014 at 1:22 PM, Carvalho, Gabriela <Carvalho.gabriela@epa.gov> wrote:  
Hello Jennifer and all,

There are a lot of moving parts affecting how we think about this issue. I think Jennifer has done a good job of

capturing all of the different elements. I'd like to propose we simplify the paper but I don't have a good grasp of how this section fits in with all of the other sections of the document to know how best to do so.

Here is an outline of how the rationale is currently written:

1. EPA says OR forest practice rules do not protect Type N streams
2. OR states what regulations they have in place to protect Type N streams
3. EPA/NOAA received comments on draft CZARA decision document
4. Description of EPA's pesticide registration risk assessment process – aerial application 10 ft. vs 70 ft from canopy cover
5. 

**Ex. 5 - Deliberative**
6. 2001 WTC lawsuit and summary of NMFS biological opinion history
7. Ongoing federal efforts to protect endangered species
8. Studies on herbicide spray drift – detections occurred, but below thresholds of concern
9. Hwy 36 case study – effects on Type N streams (results?)
10. Hwy 36 exposure investigation – no herbicides found in drinking water samples
11. OR's Water Quality Pesticide Management Plan and ongoing state efforts to adaptively manage detections
12. Original basis for disapproval – inadequate riparian buffers for application of herbicides on non-fish bearing streams (does not say why the buffers are inadequate)
13. OR should develop targeted studies to evaluate effectiveness of BMPs
14. OR should update Pesticide Management Plan to include buffers on Type N streams, application drift control measures, public notification of spraying, etc.

I am not clear what components we absolutely need in this document. Can we cut the summary of public comments received assuming that responses will be in a “response to comment” document? Do we need to summarize the full history of this issue?

To simplify our rationale, I suggest we go with something like this:

1. EPA and NOAA agree that OR's forest practice rules do not protect Type N streams because...
2. OR is doing a lot through its Pesticide Management Plan, but it is not enough because...

# Ex. 5 - Deliberative

I'm free to meet this week if anyone want to talk through this rationale.

Gabriela

Gabriela Carvalho  
Pesticides and Toxics Unit  
U.S. EPA, Region 10  
1200 Sixth Avenue, Suite 900, OCE-084  
Seattle, WA 98101  
phone (206) 553-6698  
[Carvalho.Gabriela@epa.gov](mailto:Carvalho.Gabriela@epa.gov)

**From:** Wu, Jennifer

**Sent:** Tuesday, August 12, 2014 12:21 PM

**To:** Henning, Alan; Peterson, Erik; Helder, Dirk; Woodruff, Leigh; Liu, Linda; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Carlin, Jayne; Waye, Don; Carvalho, Gabriela

**Cc:** Fleming, Sheila; Allen, Elizabeth

**Subject:** Pls. review: Pesticides draft rationale for OR CZARA

Hi Everyone,

Thanks very much for your comments on the Pesticides Issue Paper. I'm working to incorporate the comments and information I got from people and will be sending this out later this week early next week, FYI. The briefing for management is on August 20.

The attachment above is the draft rationale for the pesticides in forestry issue for OR CZARA. This is probably the most important piece to review, since this is what's published as the basis for our decision on pesticides. It's also the basis for what the issue paper is based on, so collectively describes what we plan to do, what we looked at, and what our determination is. If you're going to look at anything, this is the document to look at! If you can get me comments by Monday, August 18, I'd really appreciate it.

And for what's ahead, I'll be wrapping up response to comments shortly, so that should be the last piece for everyone to review. Let me know if you have questions, and thanks again.

Jenny Wu

USEPA Region 10

Office of Water and Watersheds (OWW-134)

Environmental Engineer, Watershed Unit

1200 6th Avenue, Suite 900

Seattle, WA 98101

(206)553-6328

--

~ ~ < > ~ ~ > < ~ ~ < > ~ ~

Allison Castellan

Coastal Management Specialist

Office of Ocean and Coastal Resource Management N/ORM3

National Oceanic and Atmospheric Administration, SSMC4

Silver Spring, MD 20910

Phone: 301-563-1125

Fax: 301-713-4004

[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)

<http://coastalmanagement.noaa.gov>